

IC 14-30

ARTICLE 30. RIVER BASIN COMMISSIONS

IC 14-30-1

Chapter 1. Kankakee River Basin Commission

IC 14-30-1-1

"Basin" defined

Sec. 1. As used in this chapter, "basin" refers to the Kankakee River basin.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-2

"Commission" defined

Sec. 2. As used in this chapter, "commission" refers to the Kankakee River basin commission established by this chapter.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-3

"Kankakee River basin" defined

Sec. 3. As used in this chapter, "Kankakee River basin" means the area in Jasper County, LaPorte County, Lake County, Marshall County, Newton County, Porter County, St. Joseph County, and Starke County that is drained by the Kankakee River and tributaries of the Kankakee River in Indiana.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-4

Establishment

Sec. 4. The Kankakee River basin commission is established.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-5

Activities limited

Sec. 5. The commission shall limit the commission's activities to the Kankakee River basin.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-6

Members

Sec. 6. The commission consists of the following three (3) individuals from each county that contains part of the basin:

(1) The county surveyor or an employee of the county surveyor appointed by the county surveyor to represent the county surveyor on the commission.

(2) One (1) member of the board of supervisors of the soil and water conservation district, appointed by the supervisors of the soil and water conservation district.

(3) One (1) member appointed by the executive of the county.

As added by P.L.1-1995, SEC.23. Amended by P.L.141-1997, SEC.1.

IC 14-30-1-7

Term of office

Sec. 7. The term of office of an appointed member of the commission is three (3) years and continues until a successor is appointed and certified.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-8

Reappointment; vacancies

Sec. 8. (a) An individual appointed to the commission is eligible for reappointment.

(b) If a vacancy occurs in the position of an appointed member of the commission, the entity authorized under section 6(2) or 6(3) of this chapter to appoint the member shall appoint a new member to fill the vacancy in the same way that the member to be replaced was appointed.

As added by P.L.1-1995, SEC.23. Amended by P.L.141-1997, SEC.2.

IC 14-30-1-9

Officers

Sec. 9. (a) The commission shall elect the following officers:

- (1) A chairman.
- (2) A vice chairman.
- (3) A secretary.
- (4) A treasurer.

(b) The:

- (1) terms of the officers elected under subsection (a) may not exceed one (1) year; and
- (2) officers are eligible for reelection.

(c) The commission may establish and fill other offices the commission considers necessary.

(d) Each officer of the commission shall perform the duties usually pertaining to the office.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-10

Meetings

Sec. 10. (a) The commission shall fix the times of the commission's regular meetings. The commission shall hold regular meetings at least bimonthly.

(b) A special meeting of the commission may be called by the chairman or by five (5) members upon written notice fixing the time and place of the meeting. However, written notice of a special meeting is not required if:

- (1) the time of the special meeting was fixed at a regular meeting; or
- (2) all the members are present at the special meeting.

(c) A member of the commission may waive notice of a meeting by a written waiver filed with the secretary of the commission.

As added by P.L.1-1995, SEC.23. Amended by P.L.141-1997, SEC.3.

IC 14-30-1-11

Rules

Sec. 11. (a) The following rules apply to proceedings of the commission:

- (1) Twelve (12) members constitute a quorum.
- (2) At least eight (8) affirmative votes are required for the commission to take action.
- (3) The commission shall keep a record of the commission's resolutions, transactions, and findings. This record is a public record.

(b) The commission may adopt additional rules for the transaction of business.

As added by P.L.1-1995, SEC.23. Amended by P.L.141-1997, SEC.4.

IC 14-30-1-12

Annual report

Sec. 12. The commission shall make an annual report of the commission's activities to the following:

- (1) The executive of each county in the basin.
- (2) Upon request to the following:
 - (A) The governor.
 - (B) The general assembly. The report must be in an electronic format under IC 5-14-6.

As added by P.L.1-1995, SEC.23. Amended by P.L.28-2004, SEC.132.

IC 14-30-1-13

Duties

Sec. 13. (a) The commission:

- (1) shall coordinate the development of the basin; and
- (2) may request assistance of the regional planning commissions affected in the preparation of a comprehensive development plan for the basin.

(b) All planning and development programs of the commission must be approved by the following:

- (1) Each regional planning commission affected.
- (2) The department.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-14

Powers

Sec. 14. The commission may do the following:

- (1) Conduct all studies necessary for the performance of the commission's duties.
- (2) Publicize, advertise, and distribute reports on the commission's purposes, objectives, and findings.
- (3) When requested, provide recommendations in matters related to the commission's functions and objectives to the following:

- (A) Political subdivisions in the basin.

- (B) Other public and private agencies.
- (4) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-15

Grants and appropriations

Sec. 15. (a) The commission may receive grants and appropriations from the following:

- (1) Federal, state, and local governments.
- (2) Individuals, foundations, and other organizations.

(b) The commission may enter into agreements or contracts regarding the acceptance or use of these grants and appropriations for the purpose of carrying out the commission's activities under this chapter.

(c) The commission must expend money appropriated to the commission for the purpose for which the money is appropriated.

As added by P.L.1-1995, SEC.23. Amended by P.L.141-1997, SEC.5.

IC 14-30-1-16

Property interests

Sec. 16. (a) The commission may:

- (1) acquire and dispose of real or personal property by grant, gift, purchase, lease, devise, or otherwise; and
- (2) hold, use, improve, maintain, operate, own, manage, or lease as lessor or lessee real or personal property or any interest in that property;

for the purposes prescribed by this chapter.

(b) The commission may exercise the powers granted by this section for the development of the water resources of the basin.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-17

Capacity to sue or be sued

Sec. 17. The commission may sue and be sued.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-18

Agreements with agencies in other states

Sec. 18. The commission may, with the approval of the regional planning commissions affected and the department, enter into agreements with agencies in another state that are responsible for the planning or development of all or part of the basin in the other state.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-19

Executive board

Sec. 19. (a) The commission may establish an executive board consisting of the following:

- (1) The chairman of the commission.
 - (2) Eight (8) other members, one (1) from each county in the basin, to be chosen in a manner prescribed by the commission.
- (b) The commission may delegate to the executive board the power to do the following:
- (1) Recommend to the commission rules and regulations for the use and operation of commission properties.
 - (2) Conduct hearings on proposed commission projects.
 - (3) Perform other administrative duties assigned by the commission.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-20

Advisory committees

Sec. 20. The commission may appoint advisory committees consisting of individuals whose experience, training, or interest in the program enables the individuals to assist the commission. A member of an advisory committee is not entitled to compensation for the member's services.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-21

Budgets and appropriations

Sec. 21. (a) The counties in the basin may budget, appropriate, and disburse an aggregate amount not to exceed fifty thousand dollars (\$50,000) per year to carry out the purposes of the commission under this chapter. The appropriation shall be apportioned among the counties in the basin in direct relationship to the amount of land area lying within the basin boundaries.

(b) The department shall certify the boundaries and the drainage area of each county within the basin after consultation with the respective county surveyors and the United States Army Corps of Engineers. The determination and certification shall be prepared before submission of budgets to the appropriating bodies so that the correct amount can be appropriated.

(c) A regional planning commission may, upon request from the commission, furnish for a reasonable charge the support staff necessary for the commission.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-22

Duties

Sec. 22. (a) The commission shall do the following:

- (1) Prepare and adopt by majority vote an annual budget.
 - (2) Submit the budget to each county, municipality, or agency appropriating money for the use of the commission.
- (b) After approval of the budget by the commission, money may be expended only as budgeted unless a majority vote of the commission authorizes other expenditure.
- (c) Any appropriated amounts remaining unexpended or

unencumbered at the end of the year become part of a nonreverting cumulative fund to be held in the name of the commission. The commission may authorize unbudgeted expenditures from this fund by a majority vote of the commission.

(d) The commission is responsible for the safekeeping and deposit of money the commission receives under this chapter. The state board of accounts shall:

- (1) prescribe the methods and forms for keeping; and
- (2) periodically audit;

the accounts, records, and books of the commission.

(e) The treasurer of the commission may receive, disburse, and handle money belonging to the commission, subject to the following:

- (1) Applicable statutes.
- (2) Procedures established by the commission.

As added by P.L.1-1995, SEC.23.

IC 14-30-1-23

Mileage allowance

Sec. 23. A member of the commission is entitled in the performance of official duties to an amount for mileage equal to that fixed by the budget agency as payment to all persons entitled to receive a mileage allowance from the state.

As added by P.L.1-1995, SEC.23.